

AMENDED IN ASSEMBLY SEPTEMBER 2, 1999

AMENDED IN SENATE APRIL 27, 1999

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 570

**Introduced by Senator Alarcon
(Principal coauthor: Senator O'Connell)**

February 23, 1999

An act to amend Sections 48110 and 48111 of, and to add Article 6 (commencing with Section 49370) to Chapter 8 of Part 27 of Division 4 of Title 2 of, the Education Code, ~~and to add Section 422.5 to the Penal Code,~~ relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, Alarcon. School personnel: disruptions or threats: mandatory reporting of missing children.

(1) Existing law provides that any minor over 16 years of age or any adult, not a pupil at a school, who comes upon any school ground and interferes with any school activity, as specified, is guilty of a misdemeanor punishable by a fine of not less than \$100, or more than \$1,000, or imprisonment in a county jail not to exceed 6 months, or by both the fine and imprisonment. Existing law also provides that any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties, disrupts classwork or extracurricular activities, as specified, is guilty of a misdemeanor punishable by a fine not

exceeding \$100, or imprisonment in a county jail not exceeding 10 days, or by both imprisonment and the fine.

This bill would provide that for either of the above-described misdemeanors, the offense would be punishable by a fine of not less than \$500, nor more than \$1,000, or by imprisonment in a county jail not exceeding one year, or by both imprisonment and the fine. The bill would also provide for certain minimum periods of imprisonment in a county jail for subsequent commissions of the above-described offenses, as specified. The bill would also provide that upon a showing of good cause, the court may grant probation, or suspension of the execution or imposition of the sentence, with regard to subsequent commissions of the above-described crimes. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Existing law requires the reporting by certain persons of known or suspected instances of child abuse to a child protective agency, as specified.

This bill would declare the intent of the Legislature regarding the reporting by, school personnel, to a law enforcement agency of missing children as specified.

~~(3) Existing law relating to terrorist threats makes it a misdemeanor or a felony for any person to willfully threaten to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety.~~

~~This bill would provide that whenever the offense described above is committed against a principal, teacher, school board member, or other school personnel, there shall be an additional punishment of one, 2, or 3 years in the state prison, or a fine not to exceed \$5,000, or both that punishment~~



~~and fine. By creating a new enhancement, this bill would impose a state-mandated local program.~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44810 of the Education Code is
2 amended to read:

3 44810. (a) Every minor over 16 years of age or adult
4 who is not a pupil of the school, including but not limited
5 to any such minor or adult who is the parent or guardian
6 of a pupil of the school, who comes upon any school
7 ground or into any schoolhouse and there willfully
8 interferes with the discipline, good order, lawful conduct,
9 or administration of any school class or activity of the
10 school, with the intent to disrupt, obstruct, or to inflict
11 damage to property or bodily injury upon any person, is
12 guilty of a misdemeanor.

13 (b) A violation of subdivision (a) shall be punished as
14 follows:

15 (1) Upon the first conviction, by a fine of not less than
16 five hundred dollars (\$500) and not more than one
17 thousand dollars (\$1,000), or by imprisonment in a county
18 jail for not more than one year, or by both the fine and
19 imprisonment.

20 (2) Upon a second conviction, by imprisonment in a
21 county jail for a period of not less than 10 days, and not
22 more than one year, or by both imprisonment and a fine
23 not exceeding one thousand dollars (\$1,000). The
24 defendant shall not be released on probation, or for any
25 other basis until he or she has served not less than 10 days
26 in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

(4) Upon a showing of good cause, the court may find that for any mandatory minimum imprisonment specified by paragraph (2) or (3) of this subdivision, the imprisonment shall not be imposed, and the court may grant probation, or the suspension of the execution or imposition of the sentence.

SEC. 2. Section 44811 of the Education Code is amended to read:

44811. (a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.

(b) A violation of subdivision (a) shall be punished as follows:

(1) Upon the first conviction, by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

(2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.

(3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on

1 probation, or for any other basis until he or she has served
2 not less than 90 days in a county jail.

3 (4) Upon a showing of good cause, the court may find
4 that for any mandatory minimum imprisonment
5 specified by paragraph (2) or (3) of this subdivision, the
6 imprisonment shall not be imposed, and the court may
7 grant probation, or the suspension of the execution or
8 imposition of the sentence.

9 (c) This section shall not apply to any otherwise lawful
10 employee concerted activity, including, but not limited
11 to, picketing and the distribution of handbills.

12 SEC. 3. Article 6 (commencing with Section 49370) is
13 added to Chapter 8 of Part 27 of Division 4 of Title 2 of the
14 Education Code, to read:

15
16 Article 6. Reporting of Missing Children
17

18 49370. The Legislature hereby declares its intent in
19 enacting this article to require that specified persons,
20 including school teachers, school administrators, school
21 aides, school playground workers, and school bus drivers,
22 report missing children to a law enforcement agency in
23 a timely manner, in order to provide those children a
24 necessary level of protection when they are at serious risk.

25 ~~SEC. 4. Section 422.5 is added to the Penal Code, to~~
26 ~~read:~~

27 ~~422.5. Whenever an offense described in Section 422~~
28 ~~is committed against a principal, teacher, school board~~
29 ~~member, or other school personnel, there shall be an~~
30 ~~additional punishment of one, two, or three years~~
31 ~~imprisonment in the state prison, or a fine not to exceed~~
32 ~~five thousand dollars (\$5,000), or both the imprisonment~~
33 ~~and fine.~~

34 ~~SEC. 5.~~

35 SEC. 4. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because the only costs that may be incurred
38 by a local agency or school district will be incurred
39 because this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

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